

## REMARKS

Claims 1 to 15 remains active in the application. No new issues are raised by this request since no amendments to the claims have been proposed. The Examiner is respectfully requested to reconsider the application and pass this application to issue. In the alternative, it is requested that this request be entered for purpose of appeal.

The disclosed and claimed invention is directed to a cellular phone which has a function of repeatedly alerting a user that there is an incoming call until the user of said cellular phone cancels an in-absence incoming call message on display. The claimed alert system is analogical to the "snooze" function in an alarm clock, wherein a user will be periodically notified with sound, vibration or light until he/she cancels this function. Specifically, referring to a flowchart in Figure 2, showing an operation of the claimed invention, and Figure 1, wherein a schematic block-diagram shows structural blocks of claimed cellular phone, when a user receives an incoming call (Step S1), the controller 12 determines whether or not the user of the phone has answered the call (Step S2). If the user has answered the call, then the controller 12 sets up communication on the phone (Step S3). If the user has not answered, then the controller 12 causes the display 14 to display an in-absence incoming call message and starts timer 16 to count a timer value stored in the memory 15. After the timer 16 started, the controller 12 again determines whether or not the user has canceled the in-absence incoming message on the control panel 13 (Step S6), and if the step S6 is positive, then the controller 12 resets the timer (Step S7) and deletes the in-absence incoming call message (Step S8). If the answer of the step S6 is negative and when the timer 16 counts up the timer value stored in the memory 15 (Step S9), the controller 12 causes the speaker driver to output an alert tone via the speaker 18 (Step S10), or vibration via a vibrator 28, or LED light 38 or a combination of all above (52, 48, 50). The alert tone, vibration or light again alert the user to the in-absence incoming call. The controller 12 again determines whether or not the user has canceled the in-

absence incoming call message on the control panel 13 (Step S11). If the answer of the step S11 is YES, then the controller 12 causes the speaker driver 17 to stop driving the speaker 18, or to stop vibration on vibrator 28, or turn off LED light 38 or a combination of all above (52, 48, 50), resets the timer 16 (Step S14), and again starts the timer 16 for repeating the above procedure (Step S5). However, if the answer to the step S11 is NO, the system stops of alert activity in order to reset a timer and returns to the step S5 again. Therefore, the system will continue to alert the user until he/she will stop an alert tone and delete an on-absence incoming call message on the control panel 13.

Claims 1 to 15 have been rejected under 35 U.S.C. §102(b) as being anticipated by Toba (U.S. Patent 6,438,392 B1). This rejection is respectfully traversed based on the following discussion.

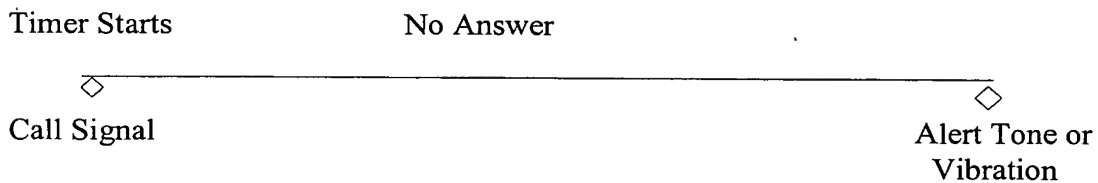
In the office action on page 2 the Examiner argue that for the reason that the reference to Toba disclose timing this invention is identical to the Applicant's one. Applicant respectfully disagrees. Specifically, the Examiner relies on column 5, lines 35 to 39 in Toba, " In the above judgement on the user's absence, it is also possible to let the control circuit 12 judge that the user is absent when a predetermined period elapsed since the beginning of the call signal without a response of the user." Applicant would like to draw the Examiner's attention to claim 1 of the present invention which particularly states, " A cellular phone capable of displaying an in-absence incoming call message on a display if a user of said cellular phone does not answer an incoming call, said cellular phone comprising:

a timer for starting counting, at the same time as the in-absence incoming call message is displayed, a preselected period of time set therein beforehand; and reporting means for alerting the user to the incoming call when said timer counts up the preselected period of time. "

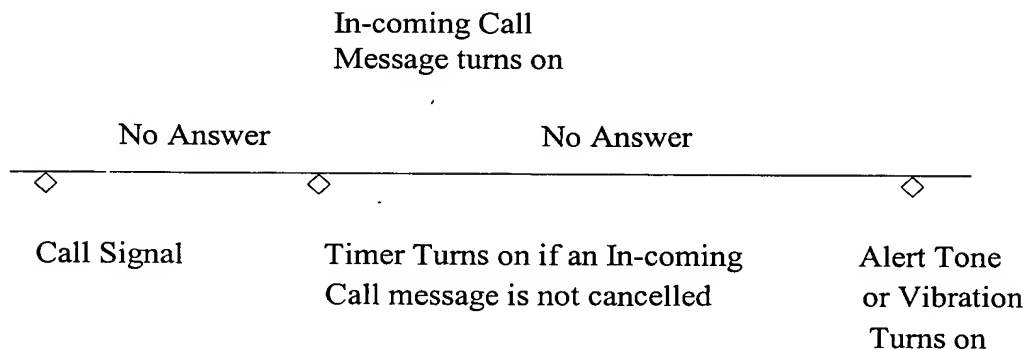
It should be noted, that due to the fact that the invention of Toba is directed to a folding type of telephone, the time of turning on a timer is different for the present invention and for Toba. From Figure 4 in Toba it is clear that the

time starts to be counted from the moment of receiving of call signal (see step S2). However, as it can be seen from the claimed invention and particularly Figure 2 the timer starts (step S5) after while when a user did not answer the phone (step S2) and an in-absence income call message is displayed (step S4). If we present the flow-charts illustrating operations of the systems from Figure 2 of the present invention and Figure 4 of Toba in horizontal time-lines for easier visualization of the differences, it looks as following:

**Toba:**



**The Claimed Invention:**



As it can be seen from the above analysis, the time of turning on of a timer in the Toba and present invention is different and this fact is reflected in the claims. For instance, Toba's claim 1 states, " .... a user absence judgement step in which a user absence judgement means of the folding portable cellular phone judges that the user is absent when a call occurred if a predetermined period elapsed since reception of a call signal without a response by the user and without the cellular phone going off-hook; and...". In contrast, the claimed invention in

claims 1 and 7 presents, “ A cellular phone capable of displaying an in-absence incoming call message on a display if a user of said cellular phone does not answer an incoming call, said cellular phone comprising:

a timer for starting counting, at the same time as the in-absence incoming call message is displayed, a preselected period of time set therein beforehand;...”  
(Emphasis added)

The second point of the difference is a periodicity of alerting. The Examiner pointed out in the office action that the reference to “Toba clearly discloses activating of a sounder or vibrator until a user cancels an absence reception call message on display”. In order to support this argument, the Examiner refers to column 5, line 67 to column 6, lines 39-43 and column 5, lines 40-51. However, all references are not relevant to the feature highlighted by the Applicant. In fact, the feature of periodical activation of all alert elements is not presented by Toba. This is reflected well in flow diagram on Figure 4 and described in column 4, lines 5 to 11 of Toba. Specifically, Toba states that “if the user has not requested to finish the absence reception information process (“NO” in the step S15), the process is returned to the step S14. If the user has requested to finish the absence reception information process (“YES” in the step S15), the absence reception information process using the LED 9 is ended, and the process is returned to the step S1. “ This means according to Toba, that if a user does not cancel the absence reception information process only the indication of absence signal by LED (Step S13) if phone is folded and by a message on the LCD (Step S11) if phone is opened take place. In contrast, the Applicant shows that if a user does not cancel an in-absence incoming call message (“NO” in step S11), an alert tone stops (Step S13), a timer is reset (Step S14) and a timer starts the alert tone again (Step S10). This operation is shown by the loop between Step S14 and S5 shown in the flow-chart of Figure 2 in present application. This feature is also reflected in independent claim 7 of the present invention, “ A cellular phone capable of displaying an in-absence incoming ...

repeating means for repeatedly alerting the user to the incoming call by

repeatedly reporting said incoming call and repeatedly counting the preselected period of time." (Emphasis added)

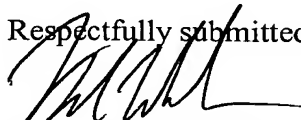
In summary, the patentable novelty of the present invention resides in providing a special function of a unfolding cellular phone to repeatedly alert a user that there is an incoming call until the user of said cellular phone cancels an in-absence incoming call message on a display. Applicant respectfully points out to the Examiner that Toba cannot anticipate the rejected claims since it does not teach the identical invention. Therefore, it is respectfully requested that the rejection based on 35 U.S.C. §102 be withdrawn.

In view of the foregoing, it is respectfully requested that the application be reconsidered, that claims 1 to 15 be allowed, and that the application be passed to issue. In the alternative, it is requested that this request for reconsideration be entered for purpose of appeal.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

A provisional petition is hereby made for any extension of time necessary for the continued pendency during the life of this application. Please charge any fees for such provisional petition and any deficiencies in fees and credit any overpayment of fees to Attorney's Deposit Account No. 50-2041 (Whitham, Curtis & Christofferson, P.C.).

Respectfully submitted,



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